

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

#### SEC. 03. RESTRICTION ON PRICE GOUGING.

(a) RESTRICTIONS.—It shall be unlawful in the United States during the period of a qualifying natural disaster declaration in the United States to increase the price of any oil or gas product more than 15 percent above the price of that product immediately prior to the declaration unless the increase in the amount charged is attributable to additional costs incurred by the seller or national or international market trends.

(b) ENFORCEMENT.—

(1) ENFORCEMENT POWERS.—

(A) IN GENERAL.—The Commission shall enforce this section as part of its duties under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(B) REPORTING OF VIOLATIONS.—For purposes of the enforcement of this section, the Commission shall establish procedures to permit the reporting of violations of this section to the Commission, including appropriate links on the Internet website of the Commission and the use of a toll-free telephone number for such purposes.

(2) PENALTY.—

(A) CRIMINAL PENALTY.—A violation of this section shall be deemed a felony and a person, upon conviction of a violation of this section, shall be punished by fine not exceeding \$10,000,000 if a corporation, or, if any other person, \$350,000, or by imprisonment not exceeding 3 years, or both.

(B) CIVIL PENALTY.—The Commission may impose a civil penalty not to exceed \$5,000 for each violation of this section. For purposes of this subparagraph, each day of violation shall constitute a separate offense. Civil penalties under this subparagraph shall not exceed amounts provided in subparagraph (A).

(C) ACTION BY STATE ATTORNEY GENERAL.—The attorney general of a State may bring a civil action for a violation of this section pursuant to section 4C of the Clayton Act (15 U.S.C. 15c).

(d) This section becomes effective 1 day after enactment.

**SA 2144.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: “*Provided further*, That the Corporation shall not create a wholly owned Northeast Corridor subsidiary or transfer the Northeast Corridor infrastructure into such subsidiary unless such activities are specifically authorized by an Act of Congress.”.

**SA 2145.** Mr. LAUTENBERG (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of

Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 9, beginning with “expended:” strike through line 17 on page 252 and insert “expended.”.

**SA 2146.** Mr. ENSIGN (for himself, Mr. ALLEN, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, add the following:

SEC. \_\_\_\_\_. The Internal Revenue Service shall provide taxpayers with free individual tax electronic preparation and filing services only through the Free File program and the Internal Revenue Service’s Taxpayer Assistance Centers and Volunteer Income Tax Assistance program.

**SA 2147.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, line 17, insert “of which \$13,679,000 shall be for the ‘New Car Assessment Program’ (including \$6,000,000, which shall remain available until September 30, 2007) and \$1,000,000 shall be for the ‘Vehicle Crash Causation Study:’” after “Highway Trust Fund”.

**SA 2148.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1 \_\_\_\_\_. Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

“(13) ARKANSAS.—During the period beginning on the date of enactment of this paragraph and ending on September 30, 2009, the State of Arkansas may allow the operation of vehicles with a gross vehicle weight of up to 80,000 pounds for the hauling of cotton seed on Interstate Route 555 during the months of August through December to cross the St. Francis Floodway from Marked Tree to Payneway, when that route is open to traffic.”.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 27, 2005 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony from the Administration on hurricane recovery efforts related to energy and to discuss energy policy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Lisa Epifani 202-224-5269 or Shannon Ewan at 202-224-7555.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, November 3, 2005 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to evaluate and receive a status report on the Environmental Management Programs of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Clint Williamson 202-224-7556 or Steve Waskiewicz at 202-228-6195.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, October 19, 2005 at 10 a.m. in SR-328A, Russell Senate Office Building. The purpose of this meeting will be to consider an original bill to comply with the Committee’s reconciliation instructions as contained in H. Con. Res. 95.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 19 at 10 a.m.

The purpose of this meeting is to consider reconciliation legislation and any other pending calendar business which may be ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 19, 2005, at 10 a.m. to hold a hearing on Iraq in U.S. Foreign Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 19, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment and Workplace Safety, be authorized to hold a hearing during the session of the Senate on Wednesday, October 19th, at 2 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Reporters' Privilege Legislation: An Additional Investigation of Issues and Implications" on Wednesday, October 19, 2005 at 10:30 a.m. in the Dirksen Senate Office Building Room 226.

## Witness List

Panel I: Chuck Rosenberg, United States Attorney for the Southern District of Texas, on behalf of the United States Department of Justice Houston, TX.

Panel II: Judith Miller, Investigative Reporter and Senior Writer, The New York Times, New York, NY; David Westin, President, ABC News, New York, NY; Joseph E. diGenova, Founding Partner, diGenova & Toensing LLP, Washington, DC; Anne Gordon, Managing Editor, Philadelphia Inquirer, Philadelphia, PA; Dale Davenport, Editorial Page Editor, The Patriot-News, Harrisburg, PA; and Steven D. Clymer, Professor of Law, Cornell Law School Myron Taylor Hall, Ithaca, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Com-

mittee on Intelligence be authorized to meet during the session of the Senate on October 19, 2005, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION  
POLICY AND CONSUMER RIGHTS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Wednesday, October 19, 2005, to conduct a hearing on "Video Competition in 2005—More Consolidation, or New Choices for Consumers?" at 2 p.m. in Room 226 of the Dirksen Senate Office Building.

## Witness List

Mr. Glenn Britt, Chairman and CEO, Time Warner Cable, Stamford, CT; Mr. Kyle McSlarrow, President and CEO, NCTA, Washington, DC; Mr. Walter McCormick, Jr., President and CEO, United States Telecom Association, Washington, DC; Mr. Doron Gorshein, President and CEO, The America Channel, LLC, Heathrow, FL; Mr. Peter Aquino, President and CEO, RCN Corporation, Herndon, VA; Mr. Scott Cleland, Chief Executive Officer, Precursor, Washington, DC; and Dr. Mark Cooper, Director of Research, Consumer Federation of America, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Sam Tatevosyan of my staff be given floor privileges for the duration of morning business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Cathy Poon of my staff be granted the privilege of the floor for the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent for floor privileges for a fellow in my office, Chelsea Maughan.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN ENROLLED  
BILLS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the junior Senator from Oklahoma be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE COST SHARING AND  
WELFARE EXTENSION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany H.R. 3971.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

H.R. 3971

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 3971) entitled "An Act to provide assistance to individuals and States affected by Hurricane Katrina", with House amendments to Senate amendments.

Mr. MCCONNELL. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 109-59, Sec. 1909(b)(2)(A)(vi), appoints the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission: Francis McArdle of New York and Tom R. Shancke of Nevada.

PARTICIPATION OF JUDICIAL  
BRANCH EMPLOYEES IN FED-  
ERAL LEAVE TRANSFER PRO-  
GRAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 227, S. 1736.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1736) to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1736) was read the third time and passed, as follows:

S. 1736

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. LEAVE TRANSFER PROGRAM IN DIS-  
ASTERS AND EMERGENCIES.

Section 6391 of title 5, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) After consultation with the Administrative Office of the United States Courts, the Office of Personnel Management shall provide for the participation of employees in the judicial branch in any emergency leave transfer program under this section."